

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MIGUEL A. DAVILA,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:11-1092
	:	
v.	:	(MANNION, D.J.)
	:	(SCHWAB, M.J.)
COMMONWEALTH OF	:	
PENNSYLVANIA, <i>et. al.</i> ,	:	
	:	
Defendants	:	
	:	

ORDER

For the reasons discussed in the court's memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) Judge Schwab's report and recommendation, (Doc. [185](#)), is **ADOPTED IN SUBSTANTIAL PART** and **NOT ADOPTED IN PART**;
- (2) The plaintiff's motions for entry of default, (Doc. [125](#)), for default judgment, (Doc. [127](#)), and for a preliminary injunction, (Doc. [182](#)), are **DENIED**;
- (3) The defendants' motions to dismiss, (Doc. [108](#), [133](#)), are **GRANTED**;
- (4) The plaintiff's claims for violations of the ADA and RA are **DISMISSED**;
- (5) Any claim for punitive damages arising from the remaining ADA and RA claims is **DISMISSED**;

- (6) Any claim for attorney's fees is **DISMISSED**;
- (7) The clerk is directed to terminate the Lackawanna County Court of Common Pleas and the Lackawanna County Court Administrator's Office from this case;
- (8) The plaintiff and remaining defendants are directed to file briefs by **April 18, 2014** discussing the implication of *Heck* as to the plaintiff's claims arising from the criminal hearings and proceedings before the Lackawanna County Court of Common Pleas.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: March 28, 2014

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